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DEPUTY CLERK

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

On or about June 6, 2006, in the Middle District of Tennessee and elsewhere, **BINYAMIN SCHWARTZ** did knowingly transfer, in and affecting interstate commerce, without lawful authority, means of identification of other persons, to wit, the names, social security numbers, and dates of birth for two persons, with the intent to aid and abet and in connection with unlawful activity that constitutes a violation of Federal law, to wit, the knowing and unlawful production of false identification documents in violation of Title 18, United States Code, Section 1028(a)(1) .

All in violation of Title 18, United States Code, Sections 1028 (a) (7) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

From on or about May 25, 2006 to on or about June 22, 2006, in the Middle District of Tennessee and elsewhere, **BINYAMIN SCHWARTZ** did knowingly possess, in and affecting interstate commerce, without lawful authority, means of identification of other persons, to wit, the names, social security numbers, and dates of birth for approximately 111,000 persons, with the intent to aid and abet and in connection with unlawful activity that constitutes violations of Federal law, that is, violations of Title 18, United States Code, Section 1343, to wit, wire fraud and violations of Title 18, United States Code, Section 1029, to wit, access device fraud.

All in violation of Title 18, United States Code, Sections 1028 (a) (7) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES:

From on or about May 25, 2006 to on or about June 22, 2006, in the Middle District of Tennessee and elsewhere, **BINYAMIN SCHWARTZ** did knowingly possess, without lawful authority, means of identification of other persons, to wit, names, addresses, social security numbers, and dates of birth for approximately 111,000 persons during and in relation to a felony violation of Title 18, United States Code, Section 1343, to wit, wire fraud.

All in violation of Title 18, United States Code, Sections 1028A and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES:

From on or about May 25, 2006 to on or about June 22, 2006, in the Middle District of Tennessee and elsewhere, **BINYAMIN SCHWARTZ** knowingly and with intent to defraud possessed approximately 111,000 unauthorized access devices, that is, approximately 111,000 stolen social security account numbers with the corresponding names, addresses and dates of birth for the individuals to whom those social security numbers were assigned, said activity affecting interstate commerce, in that the unauthorized access devices were sent and carried across state lines and payments for unauthorized access were sent across state lines.

All in violation of Title 18, United States Code, Sections 1029(a)(3) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES:

1. From on or about May 25, 2006 to on or about June 22, 2006, in the Middle District of Tennessee and elsewhere, **BINYAMIN SCHWARTZ** devised and intended to devise a scheme to defraud and for obtaining property by means of false and fraudulent pretenses, representations and promises.

2. It was part of this scheme that **BINYAMIN SCHWARTZ** offered to sell to an undercover agent of the United States Secret Service the stolen names, addresses, social security account numbers and dates of birth for approximately 36,000 persons for \$25,000 in cash.

3. It further was part of this scheme that **BINYAMIN SCHWARTZ** requested that the undercover agent of the United States Secret Service purchase a \$1,300 espresso machine by means of credit card fraud.

4. It further was part of this scheme that **BINYAMIN SCHWARTZ** offered to pay the undercover agent of the United States Secret Service 60 % of the price of the espresso machine from the \$25,000 in cash proceeds that he expected to receive from the sale of stolen names, addresses, social security account numbers and dates of birth.

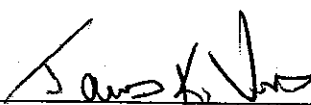
5. On or about June 13, 2006, in the Middle District of Tennessee and elsewhere, **BINYAMIN SCHWARTZ**, for the purpose of executing, and attempting to execute, the scheme to defraud and for obtaining property by means of false and fraudulent, pretenses, representations and promises, did transmit and cause to be transmitted in interstate commerce, by means of a wire communication, certain signs and signals, that is, an instant message sent via the Internet to the undercover agent of the United States Secret Service asking that the undercover agent purchase a

\$1,300 espresso machine by means of credit card fraud, and offering to pay 60% of the price of the espresso machine to the undercover agent from the money that BINYAMIN SCHWARTZ expected to receive from the sale of the stolen names, addresses, social security account numbers and dates of birth.

All in violation of Title 18, United States Code, Sections 1343 and 2.

A TRUE BILL

[REDACTED]
FOREPERSON



JAMES K. VINES
UNITED STATES ATTORNEY